

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5341  
Facsimile: (916) 327-8643

7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-206

14 **RENATE LEY**  
15 **5142 West Athens**  
**Fresno, CA 93722**

**A C C U S A T I O N**

16 **Registered Nurse License No. 639638**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 **License History**

25 2. On or about July 7, 2004, the Board of Registered Nursing issued Registered Nurse  
26 License Number 639638 to Renate Ley ("Respondent"). The license was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on August 31, 2010, unless  
28 renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or

7. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter confers no authority to practice medicine or surgery."

8. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

## REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

1 California Code of Regulations, title 16, section 1443, states:

2 As used in Section 2761 of the code, 'incompetence' means the lack of  
3 possession of or the failure to exercise that degree of learning, skill, care and  
4 experience ordinarily possessed and exercised by a competent registered nurse  
5 as described in Section 1443.5.

### 6 **COST RECOVERY**

7 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations  
9 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

### 11 **FIRST CAUSE FOR DISCIPLINE**

#### 12 **(Gross Negligence)**

13 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
14 on the grounds of unprofessional conduct, in that on or about August 21, 2007, while on duty as a  
15 registered nurse in the Intensive Care Unit at Kaiser Permanente in Fresno, California, and  
16 assigned to care for a double amputee patient, Respondent committed acts constituting gross  
17 negligence, as defined in California Code of Regulations, title 16, section 1442, as follows:

18 a. Respondent exceeded the scope of registered nursing by authorizing the use of a  
19 Peripherally Inserted Central Venous Catheter (PICC) line in a patient without prior approval or  
20 authorization from a physician.

21 b. Respondent falsified the medical records of a patient in her care in that she recorded  
22 in a verbal order form that she had spoken to the patient's physician and had obtained a verbal  
23 order from him confirming that the PICC line was properly placed and was "Okay to use." In  
24 fact, when contacted about the placement of the PICC line, the physician in question had told  
25 Respondent that he could not confirm proper placement of the PICC line from the xray and that  
26 she would have to wait for the radiology report to confirm proper placement.

27 c. Respondent administered medications to the patient by use of the PICC line without  
28 having prior approval or authorization from a physician.

1 d. Respondent exceeded the scope of practice of registered nursing by writing an order  
2 for the administration of drugs without the prior approval or authorization from a physician.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),  
6 on the grounds of unprofessional conduct, in that on or about August 21, 2007, while on duty as a  
7 registered nurse at Kaiser Permanente in Fresno, California, Respondent committed acts  
8 constituting incompetence, as defined in California Code of Regulations, title 16, section 1443, as  
9 follows:

10 a. Respondent exceeded the scope of registered nursing by authorizing the use of a  
11 Peripherally Inserted Central Venous Catheter (PICC) line in a patient without prior approval or  
12 authorization from a physician.

13 b. Respondent falsified the medical records of a patient in her care in that she recorded  
14 in a verbal order form that she had spoken to the patient's physician and had obtained from a  
15 verbal order from him confirming that the PICC line was properly placed and was "Okay to use."  
16 In fact, when contacted about the placement of the PICC line, the physician in question had told  
17 Respondent that he could not confirm proper placement of the PICC line from the xray and that  
18 she would have to wait for the radiology report to confirm proper placement.

19 c. Respondent administered medications to the patient by use of the PICC line without  
20 having prior approval or authorization from a physician.

21 d. Respondent exceeded the scope of registered nursing by writing an order for the  
22 administration of drugs without the prior approval or authorization from a physician.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
26 the grounds of unprofessional conduct, as more particularly set forth in paragraphs 11 and 12,  
27 above.


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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 639638 issued to Renate Ley;
2. Ordering Renate Ley to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/13/09

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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